

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Sai-E Johari,	:	
	:	
Plaintiff	:	Civil Action 2:05-cv-289
	:	
v.	:	Judge Frost
	:	
Maryhaven Engagement Center, <i>et al.</i> ,	:	Magistrate Judge Abel
	:	
Defendants	:	

ORDER

Plaintiff Sai-E Johari brings this action alleging that on February 26, 2005 defendants subjected him to second hand tobacco smoke and treated him antagonistically at the Friends of the Homeless shelter and at Maryhaven in Columbus, Ohio. The complaint alleges that defendants denied plaintiff liberty, due process, and equal protection in violation of the Constitution of the United States.

This matter is before the Court on Magistrate Judge Abel's March 28, 2005 Report and Recommendation that the complaint be dismissed on initial screening for failure to state a claim for relief. (Doc. 2.) No objections were filed to the Report and Recommendation.

The Court determines that, as the Magistrate Judge found, the complaint does not state a claim under 42 U.S.C. § 1983 because it does not allege that defendants acted under color of state law. *Polk County v. Dodson*, 454 U.S. 312, 325 (1981). It further fails to allege the deprivation of a constitutional right. It is best described as a complaint that defendants acted disrespectfully toward plaintiff and failed to provide him with the social services he was entitled to as a client of the agencies. Those allegations do not state a claim for relief under the

Constitution of the United States.

Upon *de novo* review in accordance with the provisions of 28 U.S.C. §636(b)(1)(B), the Court **ADOPTS** the Report and Recommendation. The Clerk of Court is DIRECTED to enter JUDGMENT dismissing this case on initial screening for failure to state claims for relief against defendants.

/s/ Gregory L. Frost
Gregory L. Frost
United States District Judge